

R277-705 received final approval by the Utah State Board of Education on December 7, 2017. R277-705 is published in the January 1, 2018 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of February 7, 2018.

R277. Education, Administration.

R277-705. Secondary School Completion and Diplomas.

R277-705-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;
 - (b) Subsections 53A-1-402(1)(b) and (c), which direct the Board to make rules regarding competency levels, graduation requirements, curriculum, and instruction requirements; and
 - (c) S[ub]section 53A-1-401[(3)], which allows the Board to [adopt]make rules [in accordance with its responsibilities]to execute the Board's duties and responsibilities under the Utah Constitution and state law.
- (2) The purpose of this rule is to:
 - (a) provide consistent definitions;
 - (b) provide alternative methods for a student to earn credit and alternate methods for schools to award credit; ~~and~~
 - (c) provide rules and procedures for the assessment of all students as required by law[-]; and
 - (d) provide rules for a student to receive an alternative to a traditional diploma if appropriate criteria are met.

R277-705-2. Definitions.

- (1) "Alternate Diploma" means a diploma issued in accordance with Section R277-705-5.
- (~~1~~2) "Demonstrated competence" means subject mastery as determined by LEA standards and review. LEA review may include such methods and documentation as: tests, interviews, peer evaluations, writing samples, reports or portfolios.
- (~~2~~3) "Diploma" means an official document awarded by an LEA consistent with state and LEA graduation requirements and the provisions of this rule.
- (4) "FAPE" means a free appropriate public education, which includes special education and related services that are provided at public expense, under public supervision and direction, and without charge in accordance with Board rule and the IDEA.
- (~~3~~5)(a) "Secondary school" means grades 7-12 in whatever kind of school the grade levels exist.
 - (b) Grade 6 may be considered a secondary grade for some purposes.
- (~~4~~6) "Section 504 plan" means a written statement of reasonable accommodations for a student with a qualifying disability that is developed, reviewed, and revised in accordance with Section 504 of the Rehabilitation Act of 1973.
- (~~5~~7)(a) "Special purpose school" means a school designated by a regional accrediting agency, adopted by the Board.
 - (b) "Special purpose school" includes a school:
 - (i) that serves a specific population such as a student with a disability, youth in custody, or a school with a specific curricular emphasis; and

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(ii) with curricula designed to serve specific populations that may be modified from a traditional program.

(8) “Student with a significant cognitive disability” or “SCD” is determined by a comprehensive understanding of a whole student, including review of educational considerations and data obtained through the IEP process, including whether a student:

(a) requires intensive, repeated, modified, and direct individualized instruction and requires substantial supports to learn, maintain, and generalize skills in the student’s grade and age-appropriate curriculum;

(b) has special education eligibility documentation indicating the disability significantly impacts intellectual functioning and adaptive behavior;

(c) demonstrates cognitive functioning and adaptive behavior in home, school, and community environments, which are significantly below age expectations, even with program modifications, adaptations, and accommodations;

(d) has a severe and complex cognitive disability, which limits the student from meaningful participation in the standard academic core curriculum or achievement of the academic content standards established at grade level, without substantial support, modifications, adaptations, and accommodations;

(e) may be eligible to participate in alternate assessments; and

(f) has a disability, which increases the need for dependence on others for many, if not all, daily living needs, and is expected to require extensive ongoing support through adulthood.

([6]9) “Supplemental education provider” means a private school or educational service provider:

(a) that may or may not be accredited; and

(b) that provides courses or services similar to public school courses or classes.

([7]10)(a) “Transcript” means an official document or record generated by one or several schools which includes:

(i) the courses in which a secondary student was enrolled;

(ii) grades and units of credit earned; and

(iii) citizenship and attendance records.

(b) A transcript is one part of a student’s permanent record or cumulative file that may include:

(i) birth certificate

(ii) immunization records; and

(iii) other information as determined by the school in possession of the record.

([8]11) “Unit of credit” means credit awarded for a course taken:

(a) consistent with this rule;

(b) upon LEA authorization; or

(c) for mastery demonstrated by approved methods.

R277-705-3. Required LEA Policy Explaining Student Credit.

(1)(a) An LEA governing board shall establish a policy, in an open meeting, explaining the process and standards for acceptance and reciprocity of credits earned by

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a student in accordance with state law.

(b) An LEA policy described in Subsection (1)(a) shall include specific and adequate notice to a student and a parent of all policy requirements and limitations.

(2)(a) An LEA shall accept credits and grades awarded to a student from a school or a provider accredited by an accrediting entity adopted by the Board.

(b) An LEA policy may establish reasonable timelines and may require adequate and timely documentation of authenticity for credits and grades submitted.

(3) An LEA policy shall provide various methods for a student to earn credit from a non-accredited source, course work, or education provider including:

(a) satisfaction of coursework by demonstrated competency, as evaluated at the LEA level;

(b) assessment as proctored and determined at the school or school level;

(c) review of student work or projects by an LEA administrator; and

(d) satisfaction of electronic or correspondence coursework, as approved at the LEA level.

(4) An LEA may require documentation of compliance with Section 53A-11-102 prior to reviewing a student's home school or competency work, assessment or materials.

(5) An LEA policy for participation in extracurricular activities, awards, recognitions, and enhanced diplomas may be determined locally consistent with the law and this rule.

(6) An LEA has the final decision-making authority for the awarding of credit and grades from a non-accredited source consistent with state law, due process, and this rule.

R277-705-4. Diplomas and Certificates of Completion.

(1) An LEA shall award diplomas and certificates of completion.

(2) An LEA shall establish criteria for a student to earn a certificate of completion that may be awarded to a student who:

(a) has completed the student's senior year;

(b) is exiting or aging out of the school system; and

(c) has not met all state or LEA requirements for a diploma.

~~R277-705-5. Students with Disabilities.~~

~~(1) A student with a disability served by a special education program shall satisfy high school completion or graduation criteria, consistent with state and federal law and the student's IEP.~~

~~(2) An LEA may award a student a certificate of completion consistent with state and federal law and the student's IEP or Section 504 plan.~~

R277-705-5. Alternate Diploma.

(1) An LEA may award an alternate diploma to a student with a significant cognitive disability if:

(a) the student accesses grade-level Core standards through the Essential Elements;

(b) the student's IEP team makes graduation substitutions in the same content area, from a list of alternative courses approved by the Superintendent; and

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(c) the student meets all graduation requirements prior to exiting school at or before age 22.

(2) An alternate diploma issued in accordance with Subsection (1) may not indicate that the recipient is a student with a disability.

(3) Notwithstanding the award of an alternate diploma, an LEA may still be obligated to provide FAPE to an eligible student in accordance with the IDEA.

(4)(a) The Superintendent shall provide a list of alternative courses that may be considered for student with cognitive disabilities working to receive an alternate diploma.

(b) An LEA may submit courses to the Superintendent to be considered for possible inclusion on the list required by Subsection (4)(a).

(c) The Superintendent shall annually update the list of alternative courses required under Subsection (4)(a) following review of LEA recommendations made under Subsection (4)(b).

R277-705-6. Career Development Credentials.

(1) An LEA may award a career development credential to a student with an IEP or Section 504 plan:

(a) who meets the requirements of a career focused work experience prior to leaving school; and

(b) consistent with:

(i) state and federal law; and

(ii) the student's IEP or Section 504 plan.

(2) Prior to receiving a career development credential, a student shall:

(a) earn the following credits in core content:

(i) English Language Arts (3.0);

(ii) Mathematics (2.0);

(iii) Science (1.0); and

(iv) Social Studies (1.0);

(b) complete 120 hours of community based work experience, to include:

(i) 40 hours of paid employment; or

(ii) documentation of completion of intake with a vocal rehabilitation counselor or the Department of Workforce Services;

(c) complete an LEA approved transition curriculum class or coursework that includes:

(i) disability awareness;

(ii) accommodations;

(iii) self-advocacy training;

(iv) career exploration; and

(v) workplace soft skills;

(d) receive .5 credits in a CTE Work Based Learning internship, including accommodations or modifications as appropriate and allowed by industry standards; and

(e) verify concentration in a CTE pathway in the student's area of interest.

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R277-705-[6]7. Adult Education Students.

(1) An adult education student is eligible only for an adult education secondary diploma.

(2) An adult education diploma may not be upgraded or changed to a traditional, high school-specific diploma.

(3) A school district shall establish a policy:

(a) allowing or disallowing adult education student participation in graduation activities or ceremonies; and

(b) establishing timelines and criteria for satisfying adult education graduation and diploma requirements.

R277-705-[7]8. Student Rights and Responsibilities Related to Graduation, Transcripts and Receipt of Diplomas.

(1) An LEA shall supervise the granting of credit and awarding of diplomas, but may delegate the responsibility to schools within the LEA.

(2) An LEA may determine criteria for a student's participation in graduation activities, honors, and exercises, independent of a student's receipt of a diploma or certificate of completion.

(3) A diploma, a certificate, credits, or an unofficial transcript may not be withheld from a student for nonpayment of school fees.

(4)(a) An LEA shall establish a consistent timeline for all students for completion of graduation requirements.

(b) A timeline described in Subsection (4)(a) shall be consistent with state law and this rule.

(5) An LEA's graduation requirements may not apply retroactively.

KEY: high school credit, adult education, graduation requirements

Date of Enactment or Last Substantive Amendment: [~~January 7, 2016~~]2018

Notice of Continuation: December 15, 2017

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(b); 53A-1-401[~~(3)~~]